

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

ONLINE DIAMONDS INTERNATIONAL CORP.
d/b/a ENCHANTED DIAMONDS d/b/a
ENCHANTEDDIAMONDS.COM,

Case No.: 19-12042 (DSJ)

Debtor.

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SALVATORE LAMONICA, solely in his capacity as
Chapter 7 Trustee of the Estate of Online Diamonds
International Corp. d/b/a Enchanted Diamonds d/b/a
Enchanteddiamonds.com,

Adv. Pro. No.: 21-01164 (DSJ)

Plaintiff,

-against-

JOSHUA NIAMEHR,

Defendant.
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**STIPULATION AND ORDER FURTHER EXTENDING TIME FOR
PLAINTIFF TO AMEND COMPLAINT TO MAY 24, 2022 AND FOR
DEFENDANT TO FILE AN ANSWER TO JUNE 14, 2022**

WHEREAS, on June 18, 2021, Salvatore LaMonica, solely in his capacity as Chapter 7 Trustee (the “Plaintiff”) of the estate of Online Diamonds International Corp. d/b/a Enchanted Diamonds d/b/a Enchanteddiamonds.com (the “Debtor”) filed a complaint against Joshua Niamehr (the “Defendant”); and

WHEREAS, on July 12, 2021, the Defendant filed a Motion to Dismiss the Complaint [Doc. No. 4] (the “Motion to Dismiss”); and

WHEREAS, on August 19, 2021, the Plaintiff filed his Opposition to Defendant’s Motion to Dismiss (the “Opposition”) [Doc. No. 6]; and

WHEREAS, on August 23, 2021, the Defendant filed a Reply to the Opposition [Doc. No. 8]; and

WHEREAS, on August 26, 2021, a hearing (the “Hearing”) was held to consider the Motion to Dismiss; and

WHEREAS, at the Hearing, the Plaintiff was granted leave to amend the Complaint by September 27, 2021; and

WHEREAS, on September 22, 2021, the Order granting the Plaintiff leave to amend the Complaint was entered by this Court; and

WHEREAS, on September 22, 2021, the Court entered a Stipulation and Order extending the time for the Plaintiff to amend the Complaint to October 27, 2021; and

WHEREAS, on October 27, 2021, the Court entered a Stipulation and Order further extending the time for the Plaintiff to amend the Complaint to November 24, 2021; and

WHEREAS, on December 2, 2021, the Court entered a Stipulation and Order further extending the time for the Plaintiff to amend the Complaint to February 22, 2022 and extending the time for the Defendant to file an answer or other responsive pleading to March 15, 2022; and

WHEREAS, a status conference was held on November 18, 2022 and has been adjourned to May 17, 2022 at 10:00 a.m.; and

WHEREAS, the Plaintiff and the Defendant (the “Parties”) are engaged in discussions in an attempt to resolve the Complaint; and

NOW THEREFORE it is stipulated and agreed by and between the Parties that:

1. The Plaintiff’s time to file an amended Complaint is hereby extended up to and including May 24, 2022, without prejudice to Plaintiff’s seeking further extensions of time.

2. The Defendant’s time to file an Answer or other responsive pleadings to the Complaint or any amendments thereto is hereby extended up to and including June 14, 2022, without prejudice to Defendant seeking further extensions of time.

3. This stipulation may be executed in counterparts and each such counterpart together with the others shall constitute one and the same instrument, and facsimile signatures herein shall be deemed to be original signatures.

4. The Parties hereto consent to the entry of the stipulation as an order in this proceeding.

Dated: February 7, 2022

LAMONICA HERBST & MANISCALCO, LLP
*Attorneys for Salvatore LaMonica, solely as
Chapter 7 Trustee, Plaintiff*

By: /s/ Gary F. Herbst
Gary F. Herbst, Esq.
3305 Jerusalem Avenue, Ste. 201
Wantagh, New York 11793
(516) 826-6500

Dated: February 7, 2022

KASEN & KASEN, P.C.
*Attorneys for Joshua Niamehr,
Defendant*

By: /s/ Michael J. Kasen
Michael J. Kasen, Esq.
115 Broadway, 5th Floor
New York, New York 10006
(646) 397-6226

SO ORDERED this 7th day of February 2022
New York, New York

s/ David S. Jones
Honorable David S. Jones
United States Bankruptcy Judge